

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHERRY BUSHANSKY,

13-cv-2574 (JGK)

Plaintiff,

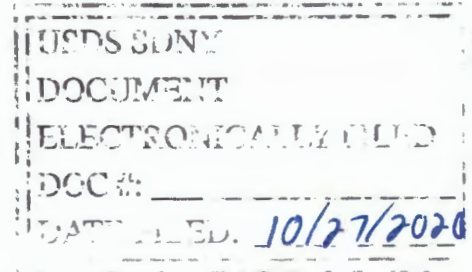
ORDER

- against -

CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL SECURITY

Defendant.

JOHN G. KOELTL, District Judge:



The Court has received a letter from the plaintiff in this case, requesting a protective or sealing order to seal the record or to redact "all medical and psychological/mental health personal information and references" from the court record, including the Memorandum Opinion and Order, issued on September 23, 2014.

The Court is sympathetic to the plaintiff's concern for privacy. The Federal Rules of Civil Procedure draw a distinction between the administrative record in Social Security cases and any opinions that the court issues. The administrative record is afforded limited access remotely to parties and their attorneys but is available more generally for review at the Courthouse, while opinions and orders are available remotely. See Fed. R. Civ. Pro. 5.2(c).

At this point, given the plaintiff's concern for privacy and the age of the administrative record, there is no longer a

reason for public access to the administrative record, and therefore, the Court will seal the administrative record and the briefs discussing the administrative record in this case.

On the other hand, there is an important interest in access to judicial opinions, so that the public may understand the application and development of the law in Social Security cases. See, e.g., Mitze v. Saul, 968 F.3d 689, 692-93 (7th Cir. 2020) (per curiam). Therefore, there is no basis to seal this Court's prior Opinion and Order in this case.

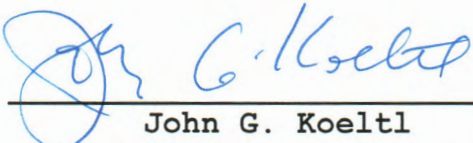
Moreover, this plaintiff's request to redact or seal the Opinion and Order is untimely and moot. The plaintiff's original request to redact or seal the Opinion and Order, was filed by her counsel over four months after the Opinion and Order had been issued, at which time it had already been published in Westlaw. ECF Nos. 28-29. As the plaintiff's counsel acknowledged at that time, this Court was without power to "retroactively control the documents previously released." ECF No. 29. Accordingly, this Court denied the motion as moot. ECF No. 33. The present request to redact or seal the Opinion and Order, which was received by this Court over five years later, is similarly untimely and moot.

Therefore, the plaintiff's request is granted in part and denied in part. The administrative record and parties' briefs will be sealed, while the Court's Opinion and Orders will not be

sealed. The Clerk is directed to seal ECF Nos. 7, 10, 11, 12, 14, 15, and 16.

SO ORDERED.

Dated: New York, New York  
October 27, 2020



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John G. Koeltl  
United States District Judge